



Promoting Wellness and Recovery

John R. Kasich, Governor
Tracy J. Plouck, Director

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Webinar Housekeeping

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1. Use your computer speakers or telephone for audio
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What will NOT be covered Today

1. Will not identify how a particular rule is different from current ACF, Type 1, Type 2, Type 3, AFoH rules
2. Rules that will be covered in future webinars. This includes questions.

More About Questions

- The last session, on November 14, is a Q & A session.
- If there is any question that is not answered during the webinar, or you think of later, you can submit them to me in advance of the webinar, or if you have not yet registered for the webinar, you can submit the questions during the webinar registration process.
- E-mail questions to Janel.Pequignot@mha.ohio.gov with a subject line titled “Residential Webinar Question”

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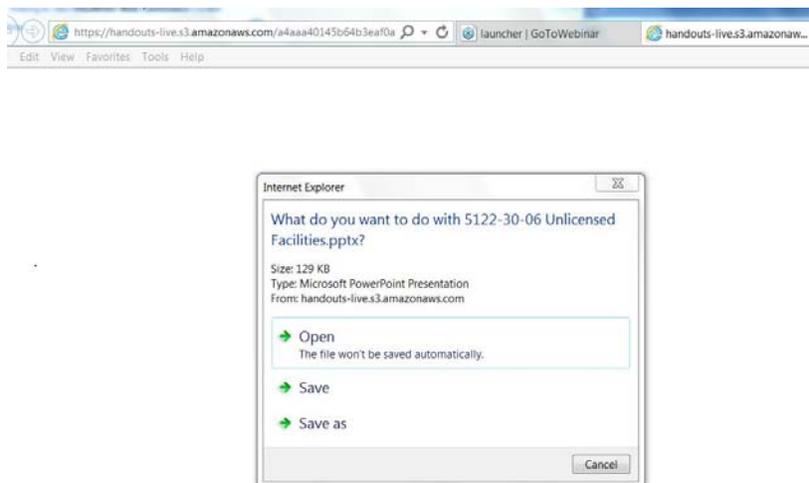
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Webinar Housekeeping

Can multiple staff watch the webinar together under one registration?

- Yes, unless each needs to receive credit for attending training.

Who should participate today:

- Type 1, Type 2, Type 3, ACF, Adult Foster Home providers
 - Currently licensed
 - Interested in obtaining licensure
- Interested stakeholders
 - Community ADAMH/MHRS Boards
 - Other stakeholders

Are These Rules Applicable to Certified SUD Residential Providers:

- NO!

Can I receive CEU Credit for my SW, Nurse, etc. License?

- No.



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5122-30-18

Requirements for Accessibility and Communications

5122-30-18 (A)

Each facility in which one or more of the residents has a physical disability shall make reasonable accommodations including but not limited to:

(A) Making the facility readily accessible to and usable by persons with a physical disability, and

5122-30-18 (B)

(B) Providing all communications to residents in a manner that is accessible and understandable to the resident; this may include, but not be limited to: readers, interpreters, braille, large print, or providing appropriate telecommunication relay services (TRS). A TRS is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls, such services include but are not limited to text to speech relay and signing to speech relay.

Ohio Relay Service

<http://www.ohiorelay.com/>

For persons who are deaf, hard-of-hearing, deaf blind, and speech disabled



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5122-30-19

Facility Administration and Management

5122-30-19 (A)

(A) The residential facility shall assure appropriate polices and procedures regarding the administration and management of the facility including compliance with the requirements for licensure. This responsibility shall also include, but may not be limited to:

- (1) Arranging for necessary permits and inspections, and paying all fees and costs associated with inspections;
- (2) Daily monitoring and supervising staff to assure acceptable performance of assigned job duties and compliance with the requirements for licensure;

5122-30-19 (A) (continued)

(A) The residential facility shall assure appropriate policies and procedures regarding the administration and management of the facility including compliance with the requirements for licensure. This responsibility shall also include, but may not be limited to:

- (3) Participating in an appropriate and cooperative working relationship with the board or the department;
- (4) Reporting to the department any change regarding facility operation or use that relates to the requirements for licensure;
- (5) For a class two or three facility, reporting to the department a current emergency contact telephone number for the operator and manager.

5122-30-19 (A) (continued)

(A) The residential facility shall assure appropriate policies and procedures regarding the administration and management of the facility including compliance with the requirements for licensure. This responsibility shall also include, but may not be limited to:

- (6) Securing appropriate, alternative responsibility for the operation and staffing of the facility for planned or unplanned staff/operator absence;
- (7) Consistently maintaining the finances necessary for the stable and safe operation of the facility;

5122-30-19 (A) (continued)

(A) The residential facility shall assure appropriate policies and procedures regarding the administration and management of the facility including compliance with the requirements for licensure. This responsibility shall also include, but may not be limited to:

- (8) Maintaining a stable and supportive environment for residents of the facility, through respect for the rights of residents, as well as sensitivity and responsiveness to resident's needs, preferences and culturally competent services and care; and
- (9) Knowledge of and compliance with federal, state, and local laws concerning the ownership and operation of the facility, including, but not limited to zoning requirements or equal opportunity employment practices.

5122-30-19 (B)

(B) The executive director, CEO, or operator for class one facilities, and the operator for class 2 and 3 facilities may delegate their responsibilities for the administration and management of the facility to a specific person(s) who shall be authorized in writing to enact the executive director, CEO, or operator's responsibilities and sign necessary and appropriate documents for the executive director, CEO, or operator, including, but not limited to, the application for licensure, major unusual incident reports, plans of correction, etc. The written authorization shall be retained in the facility. The person(s) to whom the operator's responsibilities are delegated may also perform resident-related activities of the facility as staff of the facility, but shall be subject to staff qualifications and requirements as stated in rules 5122-30-20 and 5122-30-21 of the Administrative Code.

5122-30-19 (C)

(C) The residential facility will have proof of ownership of the residence, or a signed agreement from the facility's landlord indicating that the landlord permits the use of the residence as a residential facility

5122-30-19 (D)(E)

(D) The utility services, including cable and internet, for the facility shall not be in the name of the residents.

(E) If any utility service account for the facility is thirty days past due, the facility receives a past due notice or disconnection notice, or utility service is disconnected; the operator must notify the department within one business day.



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5122-30-20

Qualifications of Operator and Staff

5122-30-20 (A)

(A) Each person shall:

- (1) Be at least eighteen years of age;
- (2) Demonstrate adequate communication skills to perform duties and responsibilities associated with the facility in meeting the needs of the resident(s);
- (3) Be able to perform required responsibilities and duties. If there is reason to doubt a staff person's ability to carry out responsibilities and duties in the facility for health reasons, the department may require the operator to obtain a physician's statement assuring that the staff member is able to perform their required responsibilities and duties; and

5122-30-20 (A) (continued)

(A) Each person shall:

(4) Test negative for tuberculosis within one year prior to employment. Testing shall be repeated anytime there has been a likelihood of exposure. Evidence of such examination shall be kept in facility records.

5122-30-20 (B)

(B) All staff providing assistance with self-administration of medication shall do so in accordance with the requirements of rule [5122-30-28](#) of the Administrative Code, and be trained according to requirements of paragraph (C) of this rule and shall receive training from a registered nurse, physician, or other department approved entity regarding:

5122-30-28 Medication (E)

(E) Staff, who have the training required in paragraph (B) of rule [5122-30-20](#) of the Administrative Code, may only perform any of the following in providing assistance with self-administration of medication:

- (1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container.
- (2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

5122-30-28 Medication (E)

(E) Staff, who have the training required in paragraph (B) of rule [5122-30-20](#) of the Administrative Code, may only perform any of the following in providing assistance with self-administration of medication:

- (3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

5122-30-20 (B) (continued)

(B) All staff providing assistance with self-administration of medication shall do so in accordance with the requirements of rule [5122-30-28](#) of the Administrative Code, and be trained according to requirements of paragraph (C) of this rule and shall receive training from a registered nurse, physician, or other department approved entity regarding:

- (1) The proper usage of medications, effects, and side effects. This shall include all medication (psychotropic and otherwise) used by residents in the facility;
- (2) Identification of medication by type and dosage; and
- (3) Safe procedures to assist in self-administration of medication.

5122-30-20 (C)

(C) Each direct care staff person shall have completed training in:

- (1) The provision of life-safety measures, including:
 - (a) In-person training for:
 - (i) Standard first aid , or an appropriate equivalent that includes emergency management of physical injuries, respiratory distress; and,
 - (ii) CPR.

Online training shall not be accepted for this paragraph.

5122-30-20 (C) (continued)

(C) Each direct care staff person shall have completed training in:

(1) The provision of life-safety measures, including:

- (b) Fire and other disaster procedures; and
- (c) Securing medical and psychiatric emergency assistance.

5122-30-20 (C) (continued)

(C) Each direct care staff person shall have completed training in:

- (2) Resident rights and grievance procedures.
- (3) Provisions of state law concerning the reporting of abuse or neglect, including but not limited to, children and the elderly.

5122-30-20 (D)

(D) Each staff person shall have written evidence of successfully completed prior training, or shall successfully complete training described in paragraph (C) of this rule, within thirty days of employment. Untrained staff who are within the first thirty days of employment or who have not completed all training shall work with trained staff.

5122-30-20 (E)

(E) Renewal of training shall be consistent with time frames established by entities providing the training, such as an approved CPR course, or, in the absence of established time-frames for renewal, annually, and shall be consistent with changes or advances made in a given area of training, such as changes in provisions of law concerning abuse and neglect reporting. Documentation of training shall be maintained in the personnel record.

5122-30-20 (F)(G)

(F) All staff shall complete at least six hours of continuing education relevant to resident care during each licensure period. Training taken to fulfill the requirements of paragraph (G) or (H) of this rule can also be used to meet the requirements of this paragraph.

(G) All staff who provide personal care services, prior to providing personal care services, shall complete training or continuing education, and provide documentation to the facility of such, that covers the correct techniques of providing personal care services to others.

5122-30-20 (H)

(H) In addition to meeting the qualification requirements of this rule, each facility which accepts residents diagnosed with mental illness or substance use disorder shall ensure that the following training and continuing education requirements are met:

5122-30-20 (H) (continued)

(H) In addition to meeting the qualification requirements of this rule, each facility which accepts residents diagnosed with mental illness or substance use disorder shall ensure that the following training and continuing education requirements are met:

(1) Prior to the admission of the first resident diagnosed with mental illness or a substance use disorder, the manager and each staff member providing direct care services in a class one facility, and the manager and each staff of a class two or class three facility, shall complete a general orientation in caring for persons diagnosed with mental illness or substance use disorder, and instruction on how to access local mental health crisis or emergency services. Thereafter, a new manager or a new staff shall receive such training prior to working alone with residents or within thirty days of hire, whichever comes first.

5122-30-20 (H) (continued)

(H) In addition to meeting the qualification requirements of this rule, each facility which accepts residents diagnosed with mental illness or substance use disorder shall ensure that the following training and continuing education requirements are met:

(2) The manager and each staff member providing personal care services shall over each twelve month period from date of hire or initial licensing of the facility receive a minimum of six hours of training in topics relevant to persons diagnosed with mental illness or substance use disorder who are residing in the facility....

5122-30-20 (H) (continued)

(H) In addition to meeting the qualification requirements of this rule, each facility which accepts residents diagnosed with mental illness or substance use disorder shall ensure that the following training and continuing education requirements are met:

(2) ...The training required by this paragraph may be provided by physicians, registered nurses, social workers, psychologists, and counselors licensed under the applicable chapter of Title 47 of the Revised Code, mental health-related organizations, accredited learning institutions, appropriate governmental entities, or other authorities recognized by the director as qualified to provide this training. In addition to classroom instruction, training may be provided through other means as appropriate for the purposes of this rule subject to the approval of the director.

Summary

- ✓ 18 years old
- ✓ Adequate communication
- ✓ Competent and physically able to perform duties
- TB Testing
 - ✓ Negative within 12 months prior to hire
 - ✓ Repeat testing if potential exposure

Staff Training Summary Assist w/ Self-admin of Medication

Who

- Staff who assist w/ self-administration of medication

When

- Before participating in this activity

What

- Training by RN, Physician, or other entity approved by MHAS
- Content:
 - Med usage, effects, side effects
 - ID medication
 - Safe procedures

Staff Training Summary Personal Care Services

Who

- Staff who provide personal care services

When

- Before participating in this activity

What

- Content:
 - Proper techniques

Staff Training Summary First Aid & CPR

Who

- Direct Care Staff

When

- Before or within 30 days of hire (untrained staff must work with trained staff)
- Renew both according to time-frame of entity providing course or annually

What

- Receive in-person training
- Content:
 - CPR
 - First Aid/Equivalent

Staff Training Summary

Who

- Direct Care Staff

When

- Before or within 30 days of hire (untrained staff must work with trained staff)
- Renew according to time-frame of entity providing course or annually

What

- Content:
 - Resident rights and grievance procedures
 - Secure medical and emergency assistance
 - Reporting abuse and neglect

Training Summary – If Facility Accepts Residents w/ MI or SUD

Who

- Class One Facility: Manager & each direct care staff (*Initial training*)
- Class Two Facility: Manager & each staff (*Initial training*)
- Class One and Class Two Facility: Manager & each staff providing personal care services (*Renewal training*)

When (Applicable to current staff)

- Prior to Admitting First Resident

When (Applicable to new staff)

- Within 30 days and prior to working alone

When (Renewal Training)

- Every 12 months from date of hire or facility licensing

Training Summary – If Facility Accepts Residents w/ MI or SUD (Continued)

What (Initial and Renewal Training)

- Training by licensed physicians, RN, social workers, psychologists, and counselors, or other appropriate organizations (see rule)
- In-person, on-line. Other methods w/ prior approval

What (Initial Training)

- Content
 - General Orientation
 - Instruction on access MH or SUD crisis/emergency services

What (Renewal Training)

- Six hours training
- Content
 - MI and SUD topics relevant to facility residents

Training Summary – On-going Continuing Education

Who

- All Staff

When

- During licensure period

What

- Content:
 - Topics relevant to resident care
 - Can use personal care services training and MI/SUD topics training to meet this requirement



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5122-30-21 Staffing Requirements

5122-30-21 (A)

(A) Each facility shall:

- (1) Provide sufficient numbers and types of staff in the facility, scheduled for appropriate periods of time during each twenty-four hour period, to assure that the room, board, personal care, or mental health service needs of each resident are met in a timely manner, as appropriate to the licensure type of the facility and individual needs of each resident;
- (2) Specify the minimum staffing pattern of the facility in the resident agreement.

5122-30-21 (A) (continued)

(A) Each facility shall:

- (3) Ensure that no resident shall be required to vacate the facility or shall not have access to the facility at any time because of the absence of available staff;
- (4) In a class two or three facility at least one staff person shall be available on or off the premises to residents twenty-four hours per day. In the event that no staff person is on the premises, residents shall be informed of how to locate staff, who shall be promptly available to provide appropriate and needed assistance to residents;

5122-30-21 (A) (continued)

(A) Each facility shall:

(5) If the facility is locked during any portion of the day, a staff member shall be immediately available on the premises to open the door or each resident shall be provided with a key. The exception is when all residents are with staff on a facility outing. If residents are provided a key, an emergency contact number shall also be posted at all times on the outside of the facility in an easily accessible and viewable area, e.g. a door or first floor window;

5122-30-21 (A) (continued)

(A) Each facility shall:

(6) In the event that no staff person is on the premises, the operator shall be responsible for ascertaining and ensuring that each resident is capable of self-preservation, and is knowledgeable about obtaining emergency assistance; and
(7) Ensure that no resident shall be required or designated to supervise other residents, provide for the personal care or mental health service needs of other residents, or supervise any aspect of the operation or management of the facility;

5122-30-21 (A) (continued)

(A) Each facility shall:

(8) A class one or class two facility providing services to children or adolescents shall maintain continuous staffing. Each shift staffing for a class one facility providing services to children or adolescents shall be provided by staff who are on duty and awake.

5122-30-21 (B)(C)

(B) A residential facility which uses volunteers or students to perform normal staff functions, shall have a written policy for screening, orientation, training, supervising and assigning volunteers and students, as appropriate to the functions to be performed.

(C) Volunteers or students whose duties include the same general duties as staff shall be trained in the mission of the facility to which they are assigned.

5122-30-21 (D)(E)

(D) Volunteers or students whose duties include the same general duties as direct care staff shall receive training in accordance with rule [5122-30-20](#) of the Administrative Code and shall be appropriately supervised by provider staff.

(E) Volunteers or students for practicum experience shall be given specific written job descriptions delineating the functions to be performed.

5122-30-21 (F)

(F) A facility which accepts students for practicum experience shall have a written agreement with each school placing students. This agreement shall, at a minimum, include:

- (1) A statement of the students' roles and responsibilities;
- (2) A description of the minimum qualifications the students must possess; and
- (3) A statement outlining the respective supervisory and evaluation responsibilities of the provider and the placing school.

5122-30-21 (G)

(G) A facility shall not use volunteers or students for practicum experience as replacement for paid staff. Volunteers shall not be counted to meet required staff to client ratios.

5122-30-21 (H)

(H) The operator shall establish a schedule for staff coverage that includes coverage during vacations, emergency situations, and long-term absences due to illness.

When only one staff member is on duty, the facility shall designate another staff member who can be contacted immediately in case of emergency.

5122-30-21 (I)

(I) Each class one facility for adults shall have at least one staff person on the premises of the facility who shall be immediately available at all times to residents when residents are present in the facility or on its premises.

Each class one facility for children and adolescents shall have at least one staff person on the premises of the facility for each ten residents, who shall be immediately available at all times to residents when residents are present in the facility or on its premises. At no time should the facility be closed to residents, even when the residents are scheduled to be off the premises. Each shift staffing shall be provided by staff who are on duty and awake.

5122-30-21 (J)

(J) Each crisis stabilization unit shall ensure the ability to adjust staffing levels according to the number and clinical needs of the persons being served at any given time.

5122-30-21 (K)

(K) An operator of a class two facility serving children or adolescents shall also assure the following:

- (1) Have prior written approval, from the parent/guardian/custodian specifying whether or not the child/adolescent may be left unattended in the facility, and if so, for what period of time
- (2) Alternative arrangements for the care of a child/adolescent in the facility, by someone other than the operator, or staff, shall be approved in writing from the custodian, guardian, or parent.
- (3) The operator shall have a prior written plan of care for the child/adolescent in emergency situations. This plan shall be approved by the custodian, guardian, or parent.

5122-30-21 (L)

(L) At any time a resident is present in a class two facility, including non-waking hours, weekends, and holidays, with one or more of the following needs, the facility shall ensure the physical presence in the facility of at least one staff member who is qualified in accordance with rule [5122-30-20](#) of the Administrative Code:

- (1) The resident requires assistance with walking and moving, bathing, toileting, dressing, or eating;
- (2) The resident requires ongoing supervision;
- (3) The resident is non-ambulatory as defined in paragraph (A)(31) of rule [5122-30-03](#) of the Administrative Code; or

5122-30-21 (L) (continued)

(L) At any time a resident is present in a class two facility, including non-waking hours, weekends, and holidays, with one or more of the following needs, the facility shall ensure the physical presence in the facility of at least one staff member who is qualified in accordance with rule [5122-30-20](#) of the Administrative Code:

(4) The resident is prescribed one or more medications to be taken or applied on an "as required" or pro re nata (PRN) basis.

5122-30-21 (L) (continued)

(L) At any time a resident is present in a class two facility, including non-waking hours, weekends, and holidays, with one or more of the following needs, the facility shall ensure the physical presence in the facility of at least one staff member who is qualified in accordance with rule [5122-30-20](#) of the Administrative Code:

(5) If the resident requires assistance with self-administration of any prescription medications, rule [5122-30-28](#) of the Administrative Code, a staff member shall be present at the time of the self-administration of the medication or medications and remain on duty for a sufficient amount of time to supervise the individual, which shall be a minimum of one hour after the resident self-administers the medication, and longer if indicated by physician instructions or the individual's known history of reaction to medication, e.g. an individual with an increased risk of falling for a period of time after taking medication.

5122-30-21 (M)

(M) A class two facility licensed for five or fewer individuals may temporarily use an individual who is not a staff member to stay in the facility in accordance with the following:

(1) An individual temporarily providing coverage in a home under this paragraph shall meet the following requirements:

- (a) At least eighteen years of age;
- (b) Be capable of calling for emergency assistance and assisting residents in responding to an emergency;
- (c) Not be a resident of the adult care facility; and,
- (d) Meet the background investigation requirements of rule [5122-30-31](#) of the Administrative Code.

5122-30-21 (M) (continued)

(M) A class two facility licensed for five or fewer individuals may temporarily use an individual who is not a staff member to stay in the facility in accordance with the following:

(2) The residents shall not be left with non-staff members for more than four consecutive hours in any twenty-four hour period and not for more than nine hours in any thirty-day period.

(3) A non-staff member individual shall not provide any personal care services, such as assistance with walking or moving, bathing, toileting, dressing or eating or assistance with self-administration of medications.

5122-30-21 (N)

(N) The operator shall identify whether the operator or a designated manager is responsible for the day-to-day operations. The operator or manger shall be present in the facility a sufficient number of hours to assure compliance with the Ohio Administrative Code.

5122-30-21 (O)

(O) No individual shall work in a facility under either of the following circumstances:

- (1) During the communicable stage of a disease which may be transmitted in the performance of the individual's job responsibilities; or
- (2) When the individual is under the influence of illicit drugs, is using alcohol, or is using medications to the extent that the health or safety of any resident of the facility is jeopardized. Illicit drugs includes the use of illegal drugs and the abuse of prescription medications.

When is Staff Presence in Facility Required

- Class One Facility Children/Adolescents and Adults (residents present)
 - 1:10 staff to resident ratio for children/adolescents
- Class Two Facility Children/Adolescents (residents present) unless approval from parent/guardian
- Facility locked and residents are not provided a key
- Class Two Facility – One or more residents:
 - Requires assistance with walking, moving, bathing, toileting, dressing, or eating
 - Resident requires ongoing supervision
 - Non-ambulatory
 - Prescribed PRN med
 - At least one hour after resident takes medications



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5122-30-23
Facility Records

5122-30-23 (A)

(A) Each facility shall maintain resident and staff records, including at a minimum:

(1) A roster of the names and ages of all residents, and date of admission. The roster shall be considered part of the client records, and individual residents shall be listed as to their residency status and maintained on the roster for three years post discharge.

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:

(2) For each resident, the facility shall maintain:

(a) A written referral from the referring entity or individual, if applicable, that specifies:

(i) Name, address and telephone number of the referring entity;

(ii) For individuals receiving mental health services, the name, address, and telephone number of the person or entity responsible for the continued provision of mental health services.

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:
(2) For each resident, the facility shall maintain:

(b) Immediately accessible written emergency information, which includes the name and birth date of the resident, current medical information, medications, and the name, address, and phone number of the person(s) to be notified in the event of an emergency.

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:
(2) For each resident, the facility shall maintain:

(c) Class one and class two facilities shall have records of a medical assessment conducted by a qualified healthcare practitioner within twelve months prior to the date of admission. The assessment for a resident of a class two facility shall include, but not be limited to, identifying whether the resident is capable of self-administering medication, and, if assistance is needed, the type of assistance required. No resident shall be admitted to a class two facility unless the resident is capable of self-administering medication with or without assistance:

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:

(2) For each resident, the facility shall maintain:

(d) A copy of the signed resident agreement, in accordance with rule [5122-30-24](#) of the Administrative Code.

(e) List of current medications, including name, dosage and schedule for the resident to take medications.

(f) List of all current medical diagnoses and allergies, if applicable.

(g) In a class one facility that administers medication, a record of all medications administered.

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:

(2) For each resident, the facility shall maintain:

(h) In a class one or class two facility, a record of all medications self-administered by residents with assistance, to include the date, time and medication self-administered by the resident.

(i) List of other entities providing services, including, but not limited to physical or behavioral health care, social services, educational services, etc., and phone number and contact person.

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:
(2) For each resident, the facility shall maintain:

- (j) Personal care services plan for residents of class one and class two facilities, or notation that the resident is not in need of personal care services.
- (k) Notation of provision of personal care services, including the resident's progress or functional status, in accordance with the following schedule:
 - (i) For residents of a class one facility, at least monthly.
 - (ii) For residents of a class two facility, at least weekly.

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:

- (3) For each resident with a mental illness or severe mental disability, a copy of the written notification to the board serving the county in which the facility is located of the resident's placement in the facility within seven days of the resident's admission, including date of notification.

5122-30-23 (A) (continued)

(A) Each facility shall maintain resident and staff records, including at a minimum:

- (4) For each staff, the facility shall maintain:
 - (a) Test results indicating no active tuberculosis.
 - (b) Records of training received.
 - (c) All records and reports verifying compliance with rule [5122-30-20](#) of the Administrative Code.
 - (d) All records and reports verifying compliance with rule [5122-30-31](#) of the Administrative Code.

5122-30-23 (B)

(B) The facility shall also maintain:

- (1) Fire and other disaster policies and procedures, including evacuation, emergency contact, etc.
- (2) Copies of all major unusual incident reports, submitted in accordance with rule [5122-30-16](#) of the Administrative Code.
- (3) Records of fire drills.
- (4) Appropriate financial records which utilize standard basic bookkeeping techniques to document facility income and expenditure. Financial records may be kept off-site at a central business office, but shall be made available at the facility on request of the department.

5122-30-23 (B) (continued)

(B) The facility shall also maintain:

- (5) Current fire alarm system testing reports, as applicable.
- (6) Current sprinkler system testing reports, as applicable.
- (7) Copies of the current department license, and plan(s) of correction, if any.
- (8) Copies of required licenses, permits and inspections, including fire, certificate of occupancy when required, and any other permits or inspections when required by this chapter of the Administrative Code, or other federal, state or local law.

5122-30-23 (C)

(C) Each resident's record shall be stored in a locked area accessible only to staff, to protect and ensure individual resident confidentiality, except that emergency information shall be immediately accessible. An operator or staff shall not disclose or knowingly allow the disclosure of any information regarding a resident, to persons not directly involved in the resident's care and treatment without authorization from the resident or a signed release of information if required, unless authorized by section [5122.31](#) of the Revised Code or as otherwise permitted by law.

5122-30-23 (D)

(D) Each staff record shall be stored in a locked area accessible only by individuals permitted by facility policy or state or federal law. Records of staff employed by a class one facility may be maintained at the facility or at another location with other personnel records.

5122-30-23 (E)

(E) The facility shall maintain a record for each current resident and staff, and for three years post discharge or employee termination. All other facility records shall be maintained for the current and most recent past full licensure cycle.



Promoting Wellness and Recovery

John R. Kasich, Governor
Tracy J. Plouck, Director

5122-30-24 Resident Agreement

5122-30-24 (A)

(A) The provisions of this rule are applicable to each residential facility.

5122-30-24 (B)

(B) The provision of room and board, accommodations, supervision, and personal care services shall be consistent with the requirements for licensure and shall be specified in a written residential resident agreement executed between the operator and each resident, or guardian/custodian prior to residency. The agreement shall be signed and dated by the operator or his/her designee, and the prospective resident or guardian/custodian. If the prospective...

5122-30-24 (B) (continued)

(B) ... If the prospective resident is physically unable to sign and consent, another individual designated by the prospective resident shall sign. The facility shall provide both the prospective resident and any other individual signing on his or her behalf with a copy of the agreement and shall explain the agreement to them.

5122-30-24 (C)

(C) The following shall be specified in a resident agreement:

- (1) Specifications of accommodations provided in a class one or class two facility or room and board provided in a class three facility.
- (2) Supervision and personal care services available to a resident in a class one or class two facility.

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

- (3) Specification of the monthly charges to the resident, and any additional itemized fees.

The operator may not charge an additional fee beyond the standard monthly charges for room and board (sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof), personal care services if applicable, and basic cable service if offered. If the operator charges an additional fee for internet or cable service beyond basic cable, each resident must have the option of whether to agree to such a charge, and the total charges to all residents may not exceed the actual cost charged to the facility by the cable or internet provider for the internet or additional cable service....

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

(3) Specification of the monthly charges to the resident, and any additional itemized fees.

... For a resident receiving residential state supplemental payment, specification that the monthly charge for room and board, supervision and personal care services shall not exceed the amount specified in Chapter 5122-36 of the Administrative Code.

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

(4) Provisions concerning refunds of resident's monthly charges in the event of the resident's absence from the facility.

(5) Specification of security deposit required, if any, and the terms for refunding same to the resident in the event of the resident's discharge or transfer from the facility.

(6) A statement that no charges, fines, or penalties will be assessed against the resident other than those stipulated in the agreement.

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

- (7) Provision for thirty day prior verbal and written notification for increasing monthly charges.
- (8) A copy of procedures to be used for the referral of a resident with mental illness for mental health evaluation and services and the role of the facility regarding the resident's receipt of appropriate services from mental health providers, as applicable if the facility accepts persons with mental illness for admission.

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

- (9) Any facility policies the resident must follow, including smoking policy or "house rules" if applicable. The facility may include the policy or house rules in the resident agreement, or make reference in the agreement that the resident must follow the facility's written policies or rule, which shall be posted in an area accessible to all residents and readily visible. No house rule or facility policy, or portion therein, shall conflict with resident rights established by rules [5122-30-22](#) and [5122-30-22.1](#) of the Administrative Code.

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

(10) In a class two or three facility, the specifications of the visitation policy for adults; and the visitation policy shall not conflict with resident rights established by rule 5122-30-22.1 of the Administrative Code.

(11) In a class two or three facility, the specifications of the roommate policy.

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

(12) A statement that, except for provider agency managed payeeship programs when the provider agency is the operator of the class one facility, at no time shall the staff or operator of a facility assume payeeship for a resident's income, require income checks to be signed over to or be cashed by facility staff, nor in any manner establish controls over the handling of any resident's funds. This does not prevent a facility from providing a central locked storage for resident's funds or other valuables. If a...

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

(12)... If a facility offers such storage, the residential agreement must specify whether the resident may access their property at any time, upon request, or a schedule of hours each day of the week during which a resident may access their property. Restrictions may only be in accordance with written instructions from a guardian, if applicable.

Nothing stated herein shall be construed to entitle any resident to not pay incurred costs of room and board as stated in the resident agreement. Nothing in this...

5122-30-24 (C) (continued)

(C) The following shall be specified in a resident agreement:

(12)... Nothing in this rule shall preclude individualized treatment plan or personal care specific requirements, e.g. - budgeting skills, or a facility policy and procedure to safeguard client funds upon their request.

An employee of a class one facility that has a previously established legal relationship to a resident, e.g. parent, spouse or child, may serve as a guardian or payee for the resident if permitted by facility policy.

5122-30-24 (C) (continued)

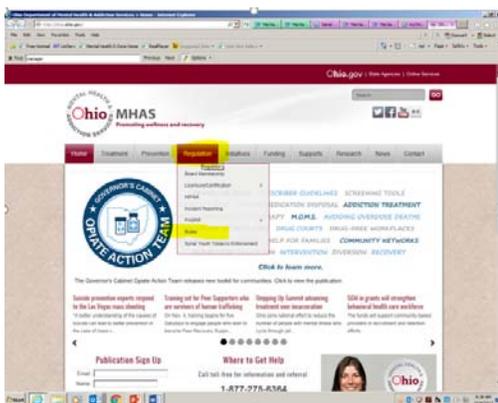
(C) The following shall be specified in a resident agreement:

(13) For a class three facility, a statement that the facility is not permitted to monitor, supervise, administer or assist in the self-administration of medication to any resident, and shall not lock, store, secure or otherwise be responsible in any way for a resident's medication, and that residency in the facility shall not be contingent upon taking medication. Resident's shall keep medication in a locked personal storage area as required by paragraph (E) of rule [5122-30-28](#) of the Administrative Code.

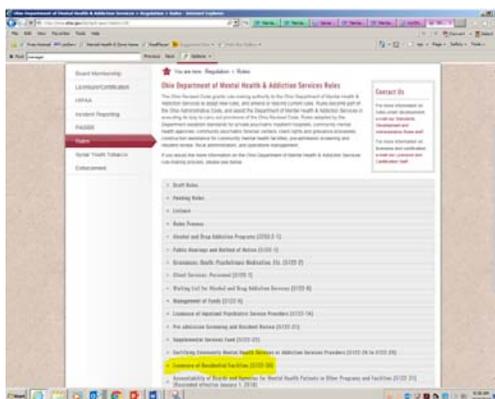
Where Can I Find All of the New Rules?

<http://mha.ohio.gov/Default.aspx?tabid=128#32641497-licensure-of-residential-facilities-5122-30>

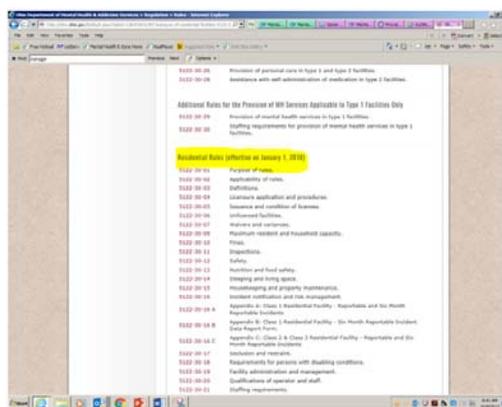
Where Can I Find All of the New Rules?



Where Can I Find All of the New Rules?



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Webinar Information

- You must register individually for each webinar in which you intend to participate
- MHAS Training Page Includes Webinar Information and recorded webinars
<http://mha.ohio.gov/Default.aspx?tabid=743>
- Live webinars are recorded for those who are unable to participate, and to utilize as a training and reference resource
- Should webinar recording error occur, MHAS will record a webinar on same topic and post
- Posted along with webinar handouts

Webinar Information

- Current Webinar Schedule (and link to registration) is available at:

<http://mha.ohio.gov/Portals/0/assets/Regulation/LicensureAndCertification/LC-Communications/Residential-Rules-Webinar-Training-Schedule-Registration.pdf>

Next Two Webinars*

11/3 has separate sessions for Class One, and Class Two & Three

Session #	Date (2017)	Time	Rule Numbers 5122-30	Rule Titles	Who Should Attend	Registration Link
6 A	11/3	9:30 am – 11:30 am	30-22 30-27 30-29	Resident Rights and Grievance Procedure for Class One Facilities Transfer and Discharge Rights Provision of Mental Health Services in Class One Facilities	Class One	https://attendee.gotowebinar.com/register/3840641780012904961
6 B	11/3	1:00 pm – 3:00 pm	30-22.1 30-27	Resident Rights and Grievance Procedure for Class Two and Class Three Facilities Transfer and Discharge Rights	Class Two & Class Three	https://attendee.gotowebinar.com/register/3987547528600115969
7	11/7	1:00 pm – 2:30 pm	30-25 30-26 30-28 30-30	Skilled Nursing Care and Changes in a Resident's Health Status Provisions of Personal Care in Class One and Two Facilities Medication Social, Recreational and Leisure Activities	All	https://attendee.gotowebinar.com/register/1707548540197355521

Questions?

Note: For future questions, each facility has an assigned lead surveyor, who can also answer questions.

Reminder: November 14 Session is dedicated only for Q & A. This will provide an opportunity to answer new or previously unanswered questions.

If there is any question that is not answered during the webinar, or you think of later, you can submit them to me in advance of the webinar, or if you have not yet registered for the webinar, you can submit the questions during the webinar registration process.

E-mail questions to Janel.Pequignot@mha.ohio.gov with a subject line titled "Residential Webinar Question"